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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181950
Party	Defendant Huntsman Advanced Materials (Switzerland) GmbH
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Attachments	Motion to Suspend 031809.pdf (4 pages)(17766 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application)
Serial No. 79/028,600 Filed March 31, 2006, by)
Huntsman Advanced Materials (Switzerland) GmbH,)
Published August 29, 2007,)
For the Trademark: AZYRAL)

Nabaltec AG)

Opposer)

v.)

Huntsman Advanced Materials (Switzerland) GmbH)

Applicant.)

Opposition No. 91,181,950

I hereby certified that this paper is being
transmitted by electronic mail to the United
States Patent and Trademark Office
<http://www.uspto.gov> on this date:
March 19, 2009

/s/ Yolanda M. King

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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MOTION TO SUSPEND PROCEEDINGS UNDER § 2.117(c)

Applicant, Huntsman Advanced Materials (Switzerland) GmbH, hereby respectfully moves that the Board suspend this opposition proceeding pursuant to 37 C.F.R. § 2.117(c) under the provision of 37 C.F.R. §7.30 because the International Registration that supports the mark that is the subject of this proceeding may be cancelled in whole or in part, which would thereby impact this proceeding. Applicant requested Opposer's consent to this motion, which was denied.

ARGUMENT

Rule 2.117(c) states that "[p]roceedings may also be suspended, for good cause, upon motion or a stipulation of the parties approved by the Board." Applicant asserts that good cause is present to suspend this proceeding and requests the approval of the Board.

On March 31, 2006, Applicant filed the instant Application on the basis of Section 66(a) of the Trademark Act, requesting the extension of protection to the United States of its International Registration for the mark AZYRAL. In the present proceeding, the parties are awaiting the expiration of the appellate period in an opposition proceeding between the parties concerning the AZYRAL mark in the Benelux.

On March 16, 2009, Applicant received notification that Opposer won an opposition against Applicant's Benelux application for the AZYRAL mark in Class 1, which forms the basis of the International Registration on which the instant Application was designated at least with regard to Class 1. Applicant has until May 13, 2009, to file an appeal of this decision. If Applicant does not appeal the decision, then the decision will become final, which would impact the subject application at least with regard to Class 1. Therefore, that kind of decision would directly impact this proceeding.

Applicant would like additional time to resolve the outcome of the Benelux proceeding because it may render the instant Application and this opposition proceeding moot. Resources of the Board and the parties are better conserved until at least May 13, 2009, but Applicant prefers and requests a 60-day suspension from the date of the Board's order deciding this motion. Good cause being shown, Applicant hereto moves for a 60-day suspension of this opposition proceeding and the re-setting of all discovery due dates for a period of 30 days from the release of the proceeding from suspension.

CONCLUSION

For the reasons stated in this Unconsented Motion to Suspend Proceedings, Applicant respectfully requests that the Board suspend this opposition proceeding for a period of 60 days from resolution of this Motion. Applicant also requests that all discovery due dates, including

any outstanding discovery requests, be reset for 30 days beyond the date of the removal of this proceeding from suspension.

Dated: March 19, 2009

Respectfully submitted,

HUNTSMAN ADVANCED MATERIALS
(SWITZERLAND) GMBH

By /s/ Yolanda M. King

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 19, 2009, a copy of the foregoing UNCONSENTED MOTION TO SUSPEND PROCEEDINGS UNDER § 2.117(c) was served on the following counsel for Opposer by United States first class mail, postage prepaid:

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